

Regular Session, 2012

HOUSE BILL NO. 113

BY REPRESENTATIVE SCHEXNAYDER

AMUSEMENTS/FIREWORKS: Establishes a nonresident fireworks retailer permit and increases the maximum fine for operating without a permit

1 AN ACT

2 To amend and reenact R.S. 51:656(C)(1)(f) and 658(B) and to enact R.S. 51:650(13),
3 relative to fireworks; to define resident; to establish a resident and nonresident
4 subclassification of fireworks retailer; to establish fees for the resident and
5 nonresident subclassification of fireworks retailer; to increase the maximum criminal
6 fine for operating without a permit; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 51:656(C)(1)(f) and 658(B) are hereby amended and reenacted and
9 R.S. 51:650(13) is hereby enacted to read as follows:

10 §650. Definitions

11 As used in this Part, the following terms shall have the meaning ascribed to
12 them in this Section unless the context clearly indicates otherwise:

13 * * *

14 (13) "Resident" means any person who has been domiciled in Louisiana for
15 a period of at least twelve months immediately preceding the date of application for
16 the permit and who has not claimed residence in any other state for any other
17 purpose.

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19 §656. Permit to sell fireworks; application; fees; permit numbers

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C.(1) The applicant shall pay a permit fee for each type of business

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conducted and for each location at which the business is conducted, according to the

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following schedule:

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(f) Retailer			
Resident	\$	100.00	
Nonresident	\$	800.00	

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§658. Penalties

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B. A person who violates any provision of this Part, with the exception of

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the penalties specifically imposed herein, shall upon conviction be subject to a fine

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of not more than ~~one~~ ten thousand dollars or imprisonment for not more than six

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months, or both. Each day's violation constitutes a separate offense and may be

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punished as such at the discretion of the court. Each separate physical location in

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violation of this Part also constitutes a separate offense and may be punished as such

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at the discretion of the court.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Schexnayder

HB No. 113

Abstract: Creates a resident and nonresident subclassification of fireworks retailer and increases the maximum criminal fine for operating without a permit.

Proposed law defines "resident" as any person who has been domiciled in La. for a period of at least 12 months immediately preceding the date of application for the permit and who has not claimed residence in any other state for any other purpose.

Present law establishes the permit fees for manufacturers, assemblers, distributors, importers, jobbers, and retailers of fireworks.

Proposed law retains present law but divides the retailer permit classification into resident and nonresident permits.

Present law provides that the permit fee for retailers is \$100.

Proposed law provides that the permit fee for resident retailers is \$100, and the permit fee for nonresident retailers is \$800.

Present law provides that a manufacturer, assembler, distributor, importer, jobber, or retailer operating without a proper permit shall, upon conviction, be subject to a fine of not more than \$1,000 or imprisonment for not more than six months, or both.

Proposed law increases the maximum fine to \$10,000.

(Amends R.S. 51:656(C)(1)(f) and 658(B); Adds R.S. 51:650(13))